

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

DEL MAR UNION SCHOOL DISTRICT.

OAH CASE NO. 2015080482

ORDER DENYING STUDENT'S  
MOTION TO CONTINUE EXHIBIT  
EXCHANGE

On September 9, 2015, Student filed with the Office of Administrative Hearings a Request that the Exchange of Exhibits be continued until OAH rules on Del Mar Union High School District's Motion to Continue Due Process Hearing.

This matter was filed on August 10, 2015 by Student. On August 24, 2015, the parties filed with OAH a Joint Request to Waive Resolution Session and to Advance Hearing Date. On August 24, 2015, OAH granted the joint request to advance the hearing date. On August 25, 2015, OAH issued a scheduling order scheduling the Prehearing Conference for September 14, 2015, and the Due Process Hearing for September 17, 2015.

On September 9, 2015, Del Mar filed with OAH its Prehearing Conference Statement and a Motion to Continue the Hearing until December 14-17, 2015 with a Prehearing Conference of December 7, 2015.

On September 9, 2015 at approximately 4:56 p.m., Student filed the request to continue the exchange of exhibits to after a ruling on the motion to continue. Student states in the request that he intends to file an opposition to the motion to continue.

Del Mar's motion to continue the hearing will be heard at the Prehearing Conference of September 14, 2015.

Student contends that unless the exhibit exchange is delayed, it places Student "in the impossible position of handing over to the District 201 exhibits well in advance of the District's requested hearing date." Thus, Student is contending that exchanging exhibits as scheduled would prejudice Student. Student offers no reasons as to how the exchange would prejudice it. Del Mar is also required to produce to Student its exhibits "well in advance" of the dates requested by it in its motion to continue. Thus, Student cannot demonstrate any prejudice.

ORDER

Student's motion to Continue Exhibit Exchange until OAH rules on Del Mar's Motion to Continue is DENIED.

DATE: September 10, 2015

/s/

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ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings